

REMARKS

The Applicants acknowledge with appreciation the substantive allowance of claims 3-16 and 19-22 set forth in the Office Action of December 16, 2004. In response to this Office Action the Applicants amend claim 1 to provide that the canister assembly is pivotally connected to the nozzle assembly. In addition, claim 19 is amended. Specifically, claim 19 is rewritten in independent form in order to accept the allowed coverage. Claim 20, which depends from claim 19 should now also be formally allowed. Further, claims 21 and 22 are amended in accordance with the Examiner's suggestions in order to address all issues raised under 35 U.S.C. §112, second paragraph with respect to these claims. With the amendments to claims 21 and 22, the rejection of these claims under 35 U.S.C. §112, second paragraph should be withdrawn. Accordingly, claims 21 and 22 are now in condition for formal allowance.

Applicants have revised drawing figures 1a and 8 to now include reference numbers 94 and 110. Replacement sheets are also presented for the other drawing figures. The other drawing figures are not amended except to the extent that handwritten reference numbers are replaced with neater, stenciled reference numbers.

Turning now to the substantive issues, amended claim 1 very clearly patentably distinguishes over U.S. Patent 2,600,608 to Barnhart. The Barnhart patent discloses a

AMENDMENTS TO THE DRAWINGS

Figure 1a is revised to include reference number 110 and appropriate lead lines. Figure 8 is revised to include reference number 94 and an appropriate lead line. The remaining figures are revised to include stenciled rather than handwritten reference numbers. Otherwise, there are no other changes to Figures 1b, 2a, 2b, 3, 4, 5, 6, 7 and 8a.

The revised or corrected drawings are believed to be in full compliance with 37 CFR 1.84(p)(5) and 37 CFR 1.121(d). Each sheet is labeled "Replacement Sheet" in the page header.

vacuum cleaner including a dirt intake or nozzle opening and a control handle assembly with a hand grip 52 and carrying handle 29 that is pivotally attached to the nozzle assembly or chassis 11 by means of trunnions 26, 27.

In formulating this rejection the Examiner argues that the chassis 11 disclosed in the Barnhart patent reads on both the canister assembly and the nozzle assembly of the present invention. This strict interpretation was necessary in order to support the rejection of claim 1.

As amended, claim 1 explicitly provides that the canister assembly is pivotally connected to the nozzle assembly. If Barnhart is interpreted so that the chassis 11 is both the nozzle assembly and canister assembly of the present claim, Barnhart very clearly fails to disclose the pivotal connection between the canister assembly and the nozzle assembly. Thus, a very clear structural distinction exists and as a result amended claim 1 very clearly patentably distinguishes over this art and should be formally allowed.

Claim 2 depends from claim 1. Since it is only rejected on the same grounds it should now be found allowable for the same reasons. The same is also true of dependent claims 17 and 18.

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed the

Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

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